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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,082	04/10/2001	Akihiro Denda	P01-4590/TS	7419

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EXAMINER	
FIGUEROA, NATALIA	
ART UNIT	**PAPER NUMBER**
2651	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,082	DENDA ET AL.	
	Examiner	Art Unit	
	Natalia Figueroa	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 11* is/are rejected.

7)☒ Claim(s) *9-10 and 12-14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-2, 5-6 and 7 rejected under 35 U.S.C. 102(a) as being anticipated by Kimura et al. (US Pub. 2002/0099722 A1).

Regarding claims 1 and 2, Kimura et al. disclose an information recording apparatus for recording content information on an information recording medium comprising a main information recording area on which main information to be reproduced is recorded (page 1, paragraph 004, the file of AV data), and a plurality of content information recording areas on which content information to be reproduced to indicate contents of said main information is recorded (page 1, paragraph 004, the management information) said apparatus comprising a recording device for recording said content information on a first part of said plurality of content information recording areas (page 4, paragraph 0062); a confirming device for confirming a recording result of said content information thus recorded on said first part (page 18, paragraph 0192); and a control device for controlling said recording device, only when said recording result is confirmed to be successful, so that content information that is identical with said content information recorded on said first part of said content information recording areas can be recorded on a second part of said content information recording areas (page 18, paragraph 0192).

Regarding claim 7, Kimura et al. disclose an information recording apparatus for recording content information on an information recording medium with a program area for storing recorded main information to be reproduced (page 1, paragraph 004, the file of AV data), and a UTOC area (page 2, paragraph 0047) with plural content information recording clusters (page l 8, paragraph 0192, one or more sector is called a cluster) for recording and storing location information of recorded main information, (page 1, paragraph 004, the management information) said apparatus comprising: a recording device for recording the location information on a present cluster the plural content information recording clusters (page 4, paragraph 0062); a confirming device for confirming, subsequent to recording on the present cluster and prior to recording on a next cluster of the plural content information recording clusters, a recording result of the location information thus recorded on the present cluster (page 18, paragraph 0192); and a control device for controlling said recording device to only allow a subsequent recording of the location information on the next cluster to when the recording result is confirmed to be successful by the location being identical with location information recorded on a most recently recorded on of the plural content information recording clusters (page 18, paragraph 0192).

Regarding claims 5-6, method claims 5 and 6 are drawn to the method of using the corresponding apparatus claimed in claims l and 2. Therefore method claims 5 and 6correspond to apparatus claims 1 and 2 and are rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Pub. 2002/0099722 A1) in view of Aramaki et al. (JP 10-14401 1).

Regarding claims 3 and 8, Kimura et al. disclose the invention substantially as claimed. However, Kimura et al. fails to explicitly disclose confirming device comprises a temporarily storing device and a judging device. Aramaki et al. teaches is well known in the art, i.e., a temporarily storing device for temporarily storing information that is identical with said content information recorded (page 11, paragraph 0086, memories 23A and 23B); a detecting device for detecting said content information recorded from said content information recording areas (page 18, paragraph 0186, reading after writing and a judging device for judging the recording result by comparing said content information thus detected with the information stored in said temporarily storing device (page 11, paragraph 0086, the CPU compares the values of memories 23A and 23B). Kimura et al. and Aramaki et al. are combinable because they are from the same field of endeavor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kimura et al. to include a temporarily storing device; a detecting device and a judging device, as suggested by Aramaki et al. (see page 10, paragraph 0086 to verify the information is written correctly.

Regarding claim 11, Kimura et al. disclose when the recording result is judged unsuccessful in that the recorded result is not identical to the temporarily stored information, the control device stops further action of the recording device from recording to further ones of the

content information recording clusters and executes an error suspension (page l 8, paragraph 0192).

5. Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Pub. 2002/0099722 A1) in view of Fukasawa (USPN 6,615,363).

Regarding claim 4, Kimura et al. disclose the invention substantially as claimed. However, Kimura et al. fails to explicitly disclose the information recording areas exists at three places in the recording medium. Fukasawa teach the content information recording areas exist at three places in said information recording medium (column 13, lines 49-50); and said recording device records said content information on only one of said content information recording areas per recording (column 4, lines 56-58). Kimura et al. and Fukasawa are combinable because they are from the same field of endeavor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kimura et al. to have the content information in three places of the recording medium, as suggested by Fukasawa (see column 3, lines 1-3), in order that the management information cannot be lost.

Allowable Subject Matter

6. Claims 9-10 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art taken alone or in combination fail to disclose three adjacent content information recording clusters.

Response to Arguments

8. Applicant's arguments, see pages 9-13, filed 26 October 2004, have been fully considered but they are not persuasive.

Applicant's argument states "However, Kimura neither discloses nor suggests that, only when the recording result ...". Applicant's argument is not persuasive; because Kimura in fact writes and verifies that writing has been correctly performed hence confirming its occurrence, please refer to the rejections presented above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Figueroa whose telephone number is (703) 305-1260. The examiner can normally be reached on Monday - Thursday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NFM

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
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